
By: **Delegate Ross**
 Introduced and read first time: February 2, 2006
 Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law - Consumer Debt Collection - Communication with Debtor**
 3 **by Telephone**

4 FOR the purpose of prohibiting a debt collector from attempting to communicate with
 5 a debtor by telephone at a telephone number other than that given for the
 6 consumer transaction from which the debt arises or the debtor's publicly
 7 available telephone number; and generally relating to consumer debt collection.

8 BY repealing and reenacting, with amendments,
 9 Article - Commercial Law
 10 Section 14-202
 11 Annotated Code of Maryland
 12 (2005 Replacement Volume)

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 14 Article - Commercial Law
 15 Section 14-203
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 17 (2005 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Commercial Law**

21 14-202.

22 In collecting or attempting to collect an alleged debt a collector may not:

- 23 (1) Use or threaten force or violence;
- 24 (2) Threaten criminal prosecution, unless the transaction involved the
- 25 violation of a criminal statute;

1 (3) Disclose or threaten to disclose information which affects the debtor's
2 reputation for credit worthiness with knowledge that the information is false;

3 (4) Except as permitted by statute, contact a person's employer with
4 respect to a delinquent indebtedness before obtaining final judgment against the
5 debtor;

6 (5) Except as permitted by statute, disclose or threaten to disclose to a
7 person other than the debtor or his spouse or, if the debtor is a minor, his parent,
8 information which affects the debtor's reputation, whether or not for credit
9 worthiness, with knowledge that the other person does not have a legitimate business
10 need for the information;

11 (6) Communicate with the debtor or a person related to him with the
12 frequency, at the unusual hours, or in any other manner as reasonably can be
13 expected to abuse or harass the debtor;

14 (7) Use obscene or grossly abusive language in communicating with the
15 debtor or a person related to him;

16 (8) Claim, attempt, or threaten to enforce a right with knowledge that
17 the right does not exist; [or]

18 (9) Use a communication which simulates legal or judicial process or
19 gives the appearance of being authorized, issued, or approved by a government,
20 governmental agency, or lawyer when it is not; OR

21 (10) ATTEMPT TO COMMUNICATE WITH THE DEBTOR BY TELEPHONE AT
22 A TELEPHONE NUMBER OTHER THAN:

23 (I) THE TELEPHONE NUMBER GIVEN FOR THE CONSUMER
24 TRANSACTION FROM WHICH THE DEBT ARISES; OR

25 (II) THE DEBTOR'S PUBLICLY AVAILABLE TELEPHONE NUMBER.
26 14-203.

27 A collector who violates any provision of this subtitle is liable for any damages
28 proximately caused by the violation, including damages for emotional distress or
29 mental anguish suffered with or without accompanying physical injury.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2006.